

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

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Date: September 7, 2023

Judge: Hon. James Donato

Time: 38 Minutes

Cases: 3:21-md-02981-JD In re Google Play Store Antitrust Litigation  
3:20-cv-05671-JD Epic Games, Inc. v. Google LLC et al  
3:20-cv-05761-JD In re Google Play Consumer Antitrust Litigation  
3:21-cv-05227-JD State of Utah et al v. Google LLC et al  
3:22-cv-02746-JD Match Group, LLC et al v. Google LLC et al

Attorney(s) for Plaintiff(s): Gary Bornstein/Hae Sung Nam/Karma Giulianelli/  
Doug Dixon/Brendan Glackin

Attorney(s) for Defendant(s): Brian Rocca/Michelle Chiu/Yonatan Even/  
Glenn Pomerantz/Jonathan Kravis

Court Reporter: Ana Dub

Deputy Clerk: Lisa Clark

PROCEEDINGS

Status Conference -- Held

NOTES AND ORDERS

The Court discusses with the parties the status of the tentative settlement agreement reached in the consumers' and States' actions. *See* Dkt. No. 596. The request to suspend pre-trial deadlines and vacate the trial date is denied, with the exception of proposed final jury instructions, which need not be prepared in the consumers' and States' actions pending further order. The parties are advised that, in the absence of a final, binding settlement agreement, the parties in all actions will proceed with a jury trial on November 6, 2023. A further status conference is set for October 12, 2023, at 10:00 a.m.

For the Riot Games discovery issue raised in the parties' joint statement, Dkt. No. 595 at 14-20, Epic and Google are directed to file a joint discovery dispute letter by September 15, 2023, if further assistance from the Court is needed.

Plaintiffs' motion to bifurcate defendants' counterclaims against Epic and Match, Dkt. No. 548, is denied. The States' motion for approval of notice of pendency of *parens patriae* claims, Dkt.

No. 546, is terminated in light of the new developments and the possibility that the States may be amending their claims.

For Google, Epic, and the Match Group plaintiffs, the Court orders that an in-person settlement meeting must be held by September 22, 2023. Each party will be represented by a principal with full settlement authority. The parties may request a short extension of the deadline for the meeting if essential. Principals from all three party groups must participate in the first meeting and discuss issues common to Epic's and the Match Group plaintiffs' cases, but the parties may have separate follow-on meetings for issues unique to each case.

For the chats remedy issue, *see* Dkt. No. 595 at 20-23, the Court approves the plaintiffs' proposal for briefing, *see id.* at 22.

If the consumers' and States' cases settle, the remaining parties should discuss a reduction of trial hours. The Court expects that Epic and Match will coordinate on their presentation of expert witnesses, and that the experts will present testimony on no more than two relevant markets.